

**DECISION OF THE ANDOVER PLANNING BOARD
AS A SPECIAL PERMIT GRANTING AUTHORITY**

(e)

ON THE APPLICATION OF

R. Thomas Belhumeur

**For a Special Permit for Major Non-Residential Project
under Section 9.4.8. of the Andover Zoning Bylaw**

TOWN OF ANDOVER, MASS.

2010 MAY 28 A 10:58

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TOWN CLERK'S OFFICE

Decision: SP10-01

YES (with conditions)

A public meeting of the Planning Board was held on May 25, 2010 in the Third Floor Conference Room of the Town Office Building, Bartlet Street, Andover, MA. Present and voting on this matter were Paul Salafia, Linn Anderson, Vincent Chiozzi, Joan Duff and John McDonnell.

Pursuant to public notice in the Andover Townsman, a newspaper of general circulation in the Town of Andover, published on April 22, 2010 and April 29, 2010 and pursuant to notice sent by mail, postage prepaid, to all interested parties under the provisions of Massachusetts General Laws Chapter 40A, a public hearing was convened by the Planning Board (the "Board") on May 11, 2010, for an application filed on March 31, 2010 by R. Thomas Belhumeur, for a Special Permit for Major Non-Residential Development. The property is more specifically identified as Lot 55 on Assessors Map 102. The public hearing was continued to May 25, 2010 and closed that same evening. The aforementioned members present throughout.

The Board deliberated and voted on May 25, 2010. The Board made the following findings:

Social, economic, or community needs which are served by the proposal:

The project will enhance the social, economic and community needs by continuing to support retail in the downtown. The design promotes retail with the window size, location and configuration.

It will provide for additional commercial and retail space that is in short supply in the downtown area.

Traffic flow and safety, including parking and loading:

The proposed building will not hinder or improve traffic flow.

Parking lots are provided off site by the applicant to reduce the need for employee parking downtown.

Loading for the site will remain as-is.

Adequacy of utilities and other public services:

There are adequate utilities for the proposed building.

Neighborhood character and social structures:

The site is located in the General Business District.

The building is in character with the neighborhood (three story commercial building), provides for new services and opportunities.

Adverse impacts on social structures are not anticipated.

Impacts on the natural environment, including, but not limited to, air and water pollution, noise, storm water runoff, and aesthetics.

The project does not impact the natural environment.

DECISION

In consideration of all of the foregoing, including the plans and reports, and taking into account testimony presented during the hearing, the Planning Board finds that the project will not be unreasonably detrimental to the neighborhood and the town, and that the proposal will not derogate from the general purpose and intent of the by-law; and therefore, on May 25, 2010 at a regularly scheduled public meeting, the Planning Board deliberated on the application and subsequently voted (5-0) to issue the special permit with conditions.

General Conditions

1. For purposes of this special permit the project shall encompass and be defined as the structures, parking areas, access roads, utilities, drainage systems, street improvements (if any), signage, landscaping and all other details as shown on the approved plans. The site is identified as a parcel of land situated at 1 – 7 Main Street, more specifically shown on Assessor's Map 55 as Lot 102. The developer is identified and shall be defined as R. Thomas Belhumeur or its assigns. The developer, as defined, shall be subject to all conditions listed hereunder, and shall be directly responsible for construction of the project, including all contractors, subcontractors, vendors, or other parties working on the site and on the project;

2. Except as otherwise provided for in these conditions all work associated with the project, including architecture and landscaping, shall be in strict conformance with the following plans and drawings prepared by Rob Bramhall Architects, which are considered the final plans and may be found in the Planning Division:
 - a. Grading and Floor Plan, A101, design by Rob Bramhall Architects dated May 25, 2010 for One Main Street
 - b. Main Street Elevation and Elm Square Elevation, A201, design by Rob Bramhall Architects dated May 11, 2010 for One Main Street
 - c. Central Street Elevation, A202, design by Rob Bramhall Architects dated May 11, 2010 for One Main Street
 - d. Alley Elevation, A203, design by Rob Bramhall Architects dated May 11, 2010 for One Main Street
3. If a modified or supplemental plan(s), drawing(s) and document(s), if any, is required by the Planning Board under the conditions of this permit, it shall be submitted to, reviewed and approved by the Board, at a regularly scheduled, or specially scheduled public meeting of which the developer and the abutters will be notified;
4. Administration and enforcement of this permit and the conditions attached thereto shall be pursuant to the requirements of the Planning Board's Rules Governing Special Permits;

Prior to Construction

5. Prior to any construction or demolition activity of any kind on the site or associated with the project, a pre-construction meeting shall be conducted which shall include representatives from One Main Street (including principle contractors and/or supervisors), the Department of Community Development and Planning, the Department of Public Works, the Police Department and the Fire Department, for purposes of reviewing these conditions and construction schedule;
6. Prior to any exterior construction of any kind on the site or associated with the project, the developer shall submit a proposed phasing schedule to the Inspector of Buildings to be used as a guide of activities associated with the project;
7. Prior to any exterior construction of any kind on the site or associated with the project, a site management plan must be approved by the Board of Health;
8. The Andover Department of Public Works shall be notified prior to any construction activities, including connecting to utilities, excavation, and/or grading, and shall be given full opportunity to review plans and monitor such activities;
9. The hauling route for the import and/or export of earth materials and demolition debris shall be approved by the Inspector of Buildings and the Police Safety Officer. All public ways are to be kept clean and free of any dirt or debris associated with hauling activities;

10. A temporary dumpster location shall be approved by the Inspector of Buildings and the Police Safety Officer on behalf of the Police Department;
11. Delivery and removal of the dumpster will occur at times deemed safe by the Inspector of Buildings and the Police Safety Officer;
12. A dumpster that exceeds 6 cubic yards requires a permit from the Fire Department;
13. Complete, stamped, fire protection drawings must be submitted before the Building Permit is issued;

Throughout and During Construction


14. During construction, the developer shall refer to the architectural plans as specified in Condition 2 a. through d. for the approved detail, materials and fenestration for the building;
15. The developer shall replace any sidewalk, curbing, planting materials that are disturbed changed or moved during the project's construction, and said sidewalk and curbing shall be in conformance with the standards established by the Town for sidewalks on Main Street;
16. All activities on the site shall be conducted in a workmanlike manner. All construction equipment, supplies and building materials shall be appropriately secured against unauthorized access. Construction debris and litter shall be collected and stored in appropriate containers on the site and shall be removed as promptly and regularly as possible. Appropriate measures (or those directed by the Inspector of Buildings) shall be taken so as to protect adjacent properties from dust and other windblown debris during site preparation and construction;
17. All hauling operations involving the import and export of materials and removal of all debris associated with the building on the site shall be conducted in accordance with a schedule approved by the Inspector of Buildings. Such operations shall be limited to certain days and hours deemed appropriate by the Inspector of Buildings, and no such operations shall be allowed or undertaken at any time deemed to be in conflict with safe pedestrian movement near the site or to cause undue congestion or safety hazards in the adjacent street system;
18. Construction activities on the site including equipment startups, site preparation, excavation, demolition, grading, filling, paving, erection of structures, installation of utilities, and landscaping shall be conducted in accordance with a schedule approved by the Inspector of Buildings. Such operations shall be limited to certain days and hours deemed appropriate by the Inspector of Buildings, and no such operations shall be allowed or undertaken at any time deemed to be in conflict with safe pedestrian movement near the site or to cause undue congestion or safety hazards in the adjacent street system. Interior finish work on the building once fully enclosed (doors and windows) is not subject to this condition;
19. Except for periods during re-grading and reconstruction, all public sidewalks adjacent to the site shall be kept open, and in a safe and passable condition. No fences, barriers, or gates may be placed or installed within the town way unless approved by the Inspector of Buildings and

Police Department;

20. Burning of construction debris of any kind is strictly prohibited anywhere on site;
21. Lighting fixtures on the building shall be shielded and directed inward toward the site. The Board reserves the right and sole discretion to reduce the wattage of the lights if necessary.
22. Construction of the project, once begun, shall continue through to completion as expeditiously and continuously as possible; however, in the event that construction activities cease on the part of the developer for a period of six (6) months from the date of last observed activity, the Board may convene a public hearing for the purpose of revocation or modification of the permit;
23. A minimum of 11 off-site parking spaces shall be provided for business owners and employees in order to reduce the parking congestion in the area and increase the efficiency of the patron parking located on the street. The addition of 3700 square feet at the site requires an additional 11 parking spaces;
24. Throughout and during exterior construction, the entire building shall be secured by staging and wrapping to prevent falling debris, unless otherwise approved by the Inspector of Buildings;

Prior to Occupancy

25. A set of as-built plans for any improvements to utilities (e.g. water, sewer and drainage) both on and off the site shall be submitted to and approved by the Department of Public Works before the issuance of a Certificate of Occupancy;
26. This special permit shall expire two (2) years from the date that this decision has been recorded in the North Essex Registry of Deeds unless substantially exercised (with the exception of the demolition of the existing structure) by the applicant prior to that date. The Board may consider extending the special permit upon written request of the applicant provided that such request has been received and a public hearing noticed prior to the expiration of the original permit. In considering a request for extension the Board may take into account conditions on the site and in the neighborhood at the time the request is made, including traffic, access, and pedestrian safety, and may impose such additional conditions deemed appropriate to mitigate any adverse impacts of the development; and
27. Prior to the recording of this permit at the Registry the developer shall provide at least three (3) sets of the plans and drawings, considered the final plans, described under Condition 2 above to the Planning Department for distribution.

Date: 5/28/10

 Paul J. Salafia, Chairman
 THE ANDOVER PLANNING BOARD

Essex, ss:

COMMONWEALTH OF MASSACHUSETTS

On this 28th day of May, 2010

Before me, the undersigned notary public, personally appeared Paul J. Salafia, and proved to me through satisfactory evidence, which were known to me to be the person whose name is signed on the preceding or attached document, and who acknowledged to me that he signed it voluntarily for its stated purpose and acknowledged the foregoing to be the free act and deed of the Andover Planning Board.

Before me,



JACKI A. BYERLEY
 NOTARY PUBLIC
 My commission expires July 4, 2014

CERTIFICATION

I, Randall H. Hansen ^{acting}, Town Clerk of the Town of Andover, Massachusetts, do hereby certify that twenty (20) days have elapsed since this decision of the Andover Planning Board was filed in the Office of the Town Clerk on May 28, 2010 and no appeal has been filed with the Town Clerk.

Date: 6/18/10

 Town Clerk (acting)